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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1437 OF 2003

Petitioner : Radheshwari Bhoi, S/o Shri Narhari Bhoi, aged about 36 years, Occupation-Service, presently posted as In charge Assistant Commissioner, Tribal Development, South Bastar, Dantewada (CG).

Versus

Respondents :
1. State of Chhattisgarh through the Secretary, Department of SC/ST Backward Class & Minority Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Collector, District Dantewada (CG)
3. Y.M. Quereshi, Incharge Assistant Commissioner, Tribal Welfare, Dantewada, District Dantewada (CG)

Shri Ashish Shrivastava, learned counsel for the petitioner.
Shri Pankaj Shrivastava, learned Panel Lawyer for State/respondents No. 1 & 2.
None for respondent No. 3.

ORAL ORDER

(3rd February, 2006)

The present petition is directed against the impugned order dated 22.4.2003 vide Annexure P-3 whereby the respondent No. 3 has been transferred from the post of Asstt. Commissioner, Tribal Welfare, Distt. Dantewada. According to the petitioner, he is working as incharge Asstt. Commissioner, Tribal Welfare Development, District Dantewada since 29.8.2001 and there is no order transferring the petitioner from that office to any other office.

2. The contention of the learned counsel for the petitioner is that two persons cannot be posted in one office. As per fundamental rule 12, it is prohibited to post two or more Government servants at the same place. The impugned order was passed on 22.4.2003 and no interim relief was granted by this Court in the meantime. It appears that the impugned order has neither been modified nor some order has been passed to transfer the petitioner to old place or to any other place. It is not clear as to what is the latest position. Be that as it may, the respondents No. 1 & 2 are directed to pass appropriate order so that two persons cannot be posted at

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one place as In charge, Asstt. Commissioner, Tribal Welfare in accordance with law.

3. For the reasons mentioned above, the petition is disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Priya